

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, APRIL MUÑIZ,  
MARCUS MARTIN, NATALIE ROMERO,  
CHELSEA ALVARADO, JOHN DOE, and  
THOMAS BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**JURY TRIAL DEMANDED**

**CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS  
JASON KESSLER, NATHAN DAMIGO, MATTHEW PARROTT, IDENTITY EVROPA,  
AND TRADITIONALIST WORKERS PARTY’S MOTION TO EXCLUDE EXPERT  
TESTIMONY**

Plaintiffs Elizabeth Sines, Seth Wispelwey, Marisa Blair, April Muniz, Marcus Martin, Natalie Romero, Chelsea Alvarado, John Doe, and Thomas Baker (“Plaintiffs”), hereby move this Court, pursuant to Local Rule 11(c)(2), for a two-week extension, to September 11, 2020, to respond to the Motion to Exclude Expert Testimony filed by Defendants Jason Kessler, Nathan Damigo, Matthew Parrott, Identity Evropa and Traditionalist Workers Party (the “Motion”). Movant Defendants consent to this extension, and good cause exists for granting this extension. In support thereof, Plaintiffs state as follows:

- On August 7, 2020, Movant Defendants filed their Motion to Exclude Expert Testimony [Dkt. 826].

- Pursuant to the Scheduling Order issued by the Court [Dkt. 597], responses to motions to exclude expert testimony are due on August 28, 2020. Replies are due on September 4, 2020.
- The Motion seeks to exclude testimony from three separate types of experts, raising distinct legal issues as to each. Because Plaintiffs are also engaged in preparing a response to an admittedly lengthy and complex Motion for Summary Judgment filed simultaneously by Defendants League of the South, Michael Tubbs and Michael Hill [Dkts. 823-00 – 823-64], Plaintiffs sought and received consent from Movant Defendants' counsel James Kolenich for a two-week extension to respond to the Motion. Plaintiffs submit there is good cause for requesting a two-week extension to respond to the Motion.
- Plaintiffs consent to extending Movant Defendants' deadline to file a Reply to September 18, 2020.
- Plaintiffs have not made prior requests to extend their deadline to respond, no party will be prejudiced by such an extension, and no other deadlines in this case will be affected by granting this Motion.

WHEREFORE, Counsel for Plaintiffs respectfully request that the Court extend Plaintiffs' deadline to respond to Movant Defendants' Motion to Exclude Expert Testimony to September 11, 2020.

Dated: August 26, 2020

Respectfully submitted,

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)  
COOLEY LLP  
11951 Freedom Drive, 14th Floor  
Reston, VA 20190-5656  
Telephone: (703) 456-8000  
Fax: (703) 456-8100  
rcahill@cooley.com

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)  
Julie E. Fink (*pro hac vice*)  
Gabrielle E. Tenzer (*pro hac vice*)  
Michael L. Bloch (*pro hac vice*)  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, Suite 7110  
New York, NY 10118  
Telephone: (212) 763-0883  
rkaplan@kaplanhecker.com  
jfink@kaplanhecker.com  
gtenzer@kaplanhecker.com  
mbloch@kaplanhecker.com  
bwhite@kaplanhecker.com

Karen L. Dunn (*pro hac vice*)  
William A. Isaacson (*pro hac vice*)  
Jessica E. Phillips (*pro hac vice*)  
PAUL WEISS RIFKIND WHARTON &  
GARRISON LLP  
2001 K Street, NW  
Washington, DC 20006  
Telephone: (202) 223-7300  
Fax: (202) 223-7420  
kdunn@paulweiss.com  
wisacson@paulweiss.com  
jphillips@paulweiss.com

Alan Levine (*pro hac vice*)  
Philip Bowman (*pro hac vice*)  
COOLEY LLP  
55 Hudson Yards  
New York, NY 10001  
Telephone: (212) 479-6260  
Fax: (212) 479-6275  
alevine@cooley.com  
pbowman@cooley.com

David E. Mills (*pro hac vice*)  
Joshua M. Siegel (VSB 73416)  
COOLEY LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004  
Telephone: (202) 842-7800  
Fax: (202) 842-7899  
dmills@cooley.com  
jsiegel@cooley.com

J. Benjamin Rottenborn (VSB 84796)  
WOODS ROGERS PLC  
10 South Jefferson St., Suite 1400  
Roanoke, VA 24011  
Telephone: (540) 983-7600  
Fax: (540) 983-7711  
brottenborn@woodsrogers.com

*Counsel for Plaintiffs*

### CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Justin Saunders Gravatt  
David L. Hauck  
David L. Campbell  
Duane, Hauck, Davis & Gravatt, P.C.  
100 West Franklin Street, Suite 100  
Richmond, VA 23220  
jgravatt@dhdglaw.com  
dhauck@dhdglaw.com  
dcampbell@dhdglaw.com

*Counsel for Defendant James A. Fields, Jr.*

Elmer Woodard  
5661 US Hwy 29  
Blairs, VA 24527  
isuecrooks@comcast.net

James E. Kolenich  
Kolenich Law Office  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
jek318@gmail.com

*Counsel for Defendants Matthew Parrott,  
Traditionalist Worker Party, Jason Kessler,  
Nathan Damigo, and Identity Europa, Inc.  
(Identity Evropa)*

Bryan Jones  
106 W. South St., Suite 211  
Charlottesville, VA 22902  
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill,  
Michael Tubbs, and League of the South*

William Edward ReBrook , IV  
The Rebrook Law Office  
6013 Clerkenwell Court  
Burke, VA 22015  
edward@rebrooklaw.com

*Counsel for Defendants Jeff Schoep, National  
Socialist Movement, and Nationalist Front*

I further hereby certify that on August 26, 2020, I also served the following non-ECF participants, via electronic mail, as follows:

Elliot Kline  
eli.f.mosley@gmail.com

Matthew Heimbach  
matthew.w.heimbach@gmail.com

Robert Ray  
azzmador@gmail.com

Christopher Cantwell  
christopher.cantwell@gmail.com

Vanguard America  
c/o Dillon Hopper  
dillon\_hopper@protonmail.com

Richard Spencer  
richardbspencer@icloud.com

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)  
COOLEY LLP  
11951 Freedom Drive, 14th Floor  
Reston, VA 20190-5656  
Telephone: (703) 456-8000  
Fax: (703) 456-8100  
rcahill@cooley.com

*Counsel for Plaintiffs*